

FILED

USDC UU Approved 06/06/00 Revised 11/03/00

United States District Court
District of Utah

UNITED STATES OF AMERICA
 vs.

ALFRED RAY CESSPOOCH

JUDGMENT IN A CRIMINAL CASE *

(For Offenses Committed On or After November 1, 1987)

DEPARTMENT OF JUSTICE

Case Number: **2:93CR00281-001-W**

Plaintiff Attorney: **Barbara Bearnson**

Defendant Attorney: **Jerome Mooney**

Atty: CJA Ret FPD

Defendant's Soc. Sec.: _____

Defendant's Date of: **11/22/1960**

01/09/1997

Date of Imposition of Sentence

Defendant's USM No.: **01162-081**

Defendant's Residence Address:

Randlett, Utah

Defendant's Mailing Address:

Randlett, Utah

Country: _____

Country: _____

THE DEFENDANT:

pleaded guilty to count(s) _____
 pleaded nolo contendere to count(s) _____ which was accepted by the court.
 was found guilty on count(s) **1, 2, and 3 after a plea of not guilty**

COP _____ Verdict _____

Title & Section	Nature of Offense	Count Number(s)
18 U.S.C. 113(f)	Assault Resulting in Serious Bodily Injury 09/09/1993	1
18 U.S.C. 113(c)	Assault With a Deadly Weapon 09/09/1993	2
18 U.S.C. 2241(a)	Aggravated Sexual Abuse 09/09/1993	3

The defendant has been found not guilty on count(s) _____
 Count(s) _____ (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **390 month(s)**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **60 months**

30

The defendant is placed on Probation for a period of _____

*The Amended Judgment was issued to correct a clerical error on the statutory reference to Count 3.

Defendant: **Alfred Ray Cesspooch**Case Number: **2:93CR00281-001**

defendant's ability to pay and with the approval of the court.

other:

- The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
 - The interest requirement is waived.
 - The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Utah State Reparations Office	\$14,205.00	\$14,205.00
Totals: \$ <u>\$14,205.00</u> \$ <u>\$14,205.00</u>		

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

Restitution is payable as follows:

in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

other:

Installments shall commence 30 days after the date of the judgment.

The restitution shall be paid in accordance with a schedule established by the Bureau of Prison's Inmate Financial Responsibility Program while incarcerated and the U. S. Probation Office following release from imprisonment.

In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U. S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate.

The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____

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The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.
2. The defendant shall participate in drug and/or alcohol aftercare treatment under a co-payment plan as directed by the US Probation Office.
3. The defendant shall participate in a mental health treatment program under a co-payment plan, as directed by the US Probation Office.
4. The defendant shall submit to drug and/or alcohol testing as directed by the US Probation Office and contribute a \$70 fee to partially defer the cost of collection and testing.
5. The defendant shall not use or possess alcohol.
6. The defendant shall comply with state and local requirements for mandatory sex offender registration.
7. The defendant shall participate in a sex offender treatment program as directed by the US Probation Office.
8. The defendant is restricted from visitation with individuals who are under 18 years of age without adult supervision as approved by the US Probation Office.
9. The defendant shall maintain full-time verifiable employment or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the US Probation Office.
10. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the US Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

forthwith.

in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

in accordance with a schedule established by the U.S. Probation office, based upon the _____

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pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 150.00, payable as follows:

forthwith.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

RECOMMENDATION

Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

FCI Butner, NC

CUSTODY/SURRENDER

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district at _____ on _____.

The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE: January 28, 2003

David K. Winder

DAVID K. WINDER
United States District Judge

Defendant: **Alfred Ray Cesspooch**

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RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

_____ UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

alp

United States District Court
for the
District of Utah
January 28, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:93-cr-00281

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation
DISTRICT OF UTAH

,
EMAIL

USMS
DISTRICT OF UTAH

,
JFAX 9,5244048

Mr. Jerome H Mooney, Esq.
MOONEY LAW FIRM
50 W BROADWAY STE 100
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Ms. Barbara Bearnson, Esq.
US ATTORNEY'S OFFICE
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